



PRELIMINARY DRAFT
No. 3092

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2011 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 2-5-31; IC 2-5.5-5.

Synopsis: Criminal law and sentencing policy study committee. Relocates the statute establishing the criminal law and sentencing policy study committee.

Effective: July 1, 2011.



A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 2-5-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 31. Criminal Law and Sentencing Policy Study Committee

Sec. 1. The criminal law and sentencing policy study committee is established.

Sec. 2. The committee consists of fourteen (14) members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, appointed by the president pro tempore.

(2) Four (4) members of the house, not more than two (2) of whom may be affiliated with the same political party, appointed by the speaker.

(3) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.

(4) The executive director of the public defender council of Indiana or the executive director's designee.

(5) One (1) person who:

(A) has experience in administering probation programs; and

(B) is a member of the Probation Officers' Professional Association of Indiana;

appointed by the members of the Association.

(6) One (1) circuit or superior court judge who exercises criminal or juvenile jurisdiction, appointed by the chief justice of the supreme court.

(7) The commissioner of the department of correction.

(8) The chairman of the parole board.

Sec. 3. The chairman of the legislative council shall appoint a



1 legislative member of the committee to serve as chair of the
 2 committee. Whenever there is a new chairman of the legislative
 3 council, the new chairman may remove the chair of the committee
 4 and appoint another chair.

5 Sec. 4. If a legislative member of the committee ceases to be a
 6 member of the chamber from which the member was appointed,
 7 the member also ceases to be a member of the committee.

8 Sec. 5. A legislative member of the committee may be removed
 9 at any time by the appointing authority who appointed the
 10 legislative member.

11 Sec. 6. If a vacancy exists on the committee, the appointing
 12 authority who appointed the former member whose position is
 13 vacant shall appoint an individual to fill the vacancy.

14 Sec. 7. The committee shall submit a final report of the results
 15 of its study to the legislative council before November 1 of
 16 even-numbered years. The report must be in an electronic format
 17 under IC 5-14-6.

18 Sec. 8. The Indiana criminal justice institute shall provide staff
 19 support to the committee to prepare:

- 20 (1) minutes of each meeting; and
- 21 (2) the final report.

22 Sec. 9. The legislative services agency shall provide staff support
 23 to the committee to:

- 24 (1) advise the committee on legal matters, criminal
- 25 procedures, and legal research; and
- 26 (2) draft potential legislation.

27 Sec. 10. Each member of the committee is entitled to receive the
 28 same per diem, mileage, and travel allowances paid to individuals
 29 who serve as legislative and lay members, respectively, of interim
 30 study committees established by the legislative council.

31 Sec. 11. The affirmative votes of a majority of the voting
 32 members appointed to the committee are required for the
 33 committee to take action on any measure, including the final
 34 report.

35 Sec. 12. Except as otherwise specifically provided by this
 36 chapter, the committee shall operate under the rules of the
 37 legislative council. All funds necessary to carry out this chapter
 38 shall be paid from appropriations to the legislative council and the
 39 legislative services agency.

40 Sec. 13. (a) The committee is established to evaluate criminal
 41 laws, sentencing laws, and policies as they relate to:

- 42 (1) the purposes of the criminal justice and corrections
- 43 systems;
- 44 (2) the availability of sentencing options; and
- 45 (3) the inmate population in department of correction
- 46 facilities.



If, based on the committee's evaluation under this subsection, the committee determines that changes are necessary or appropriate, the committee shall make recommendations to the general assembly for the modification of sentencing laws and policies and for the addition, deletion, or expansion of sentencing options.

(b) The committee shall do the following:

(1) Conduct a continuing study of the laws relating to:

(A) the investigation of crimes;

(B) the prosecution of crimes;

(C) criminal procedures;

(D) alternative sentencing programs;

(E) the department of correction;

(F) parole;

(G) probation;

(H) community corrections;

(I) home detention programs;

(J) criminal registries;

(K) victim rights;

(L) the classification of criminal offenses into felony and misdemeanor categories;

(M) sex offenders; and

(N) juvenile offenders.

(2) Study federal requirements or incentives for states to pass certain laws or establish specific programs.

(3) Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems.

(4) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.

(5) Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.

(6) Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems.

(c) The committee may study other topics assigned by the legislative council or as directed by the committee chair. The committee may meet as often as necessary.

SECTION 2. IC 2-5.5-5 IS REPEALED [EFFECTIVE JULY 1, 2011].

